

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA, for *
the use and benefit of Cemex
Construction Materials Florida, *
LLC, a Delaware Limited
Liability Company, f/k/a Rinker *
Materials of Florida, Inc.,

CASE NO. 4:09-CV-90 (CDL)

Plaintiff,

vs.

PHOENIX CONSTRUCTION SOLUTIONS, *
LLC, a Florida Limited Liability *
Company, *et al.*,

Defendants.

O R D E R

Defendant McBride Construction, Inc. ("McBride") has filed a motion to have John Wayne Construction, G.S.A. Division, Inc. ("John Wayne Construction") joined as a Defendant (ECF No. 53). Plaintiff objects, contending that it has no direct claim against John Wayne Construction arising from the facts that are the subject of this litigation. The Court concludes that joinder of John Wayne Construction as a Defendant is not appropriate in this case, and therefore, McBride's motion is denied. However, to the extent that Defendant McBride seeks to add John Wayne Construction as a third-party defendant, the Court permits it to do so. Any such third-party complaint shall be filed within fourteen days of today's Order.

IT IS SO ORDERED, this 13th day of August, 2010.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE